

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO**

UNIQUE ROBINSON

PLAINTIFF

v.

CONFIDENTIAL GENTLEMEN'S CLUB, LLC

DEFENDANT

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Case No: 2:21-cv-04171

Judge Sarah D. Morrison

MOTION FOR ENTRY OF ORDER OF DEFAULT

Plaintiff Unique Robinson ("Plaintiff"), Pursuant to Fed. R. Civ. P. 55 (a), through undersigned counsel, hereby request this Honorable Court enter an Order of Default in favor of Plaintiff and against Defendant Confidential Gentlemen's Club, LLC ("Defendant"). In support, Plaintiff respectfully shows the Court as follows:

1. On August 13, 2021, Plaintiff filed her Class and Collective Action Complaint against Defendant seeking minimum wage compensation entitled to under the Federal Fair Labor Standards Act ("FLSA") and the Ohio Minimum Wage Law ("OMWL"). [Dkt. 1].
2. A Summons for Defendant was issued by the Court on August 16, 2021. [Dkt. 2].
3. On November 24, 2021, Plaintiff effectuated service of process of the Summons and Complaint on Defendant on the Ohio Secretary of State, the entity authorized to accept service in the event a plaintiff is unable to serve an Ohio corporate entity's Registered Agent by traditional means. [Dkt. 10].
4. Pursuant to Federal Rule of Civil Procedure 12(a)(1)(A)(i), Defendant must have filed its Answer to Plaintiffs' Complaint within twenty-one (21) days of service of the Summons and Complaint.

5. Pursuant to Federal Rule of Civil Procedure 55(a), “[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party’s default.”

6. More than Seventy (70) days have passed since the date Plaintiff effectuated service of the Summons and Complaint on Defendant and Defendant has failed to file an Answer or other responsive pleading to Plaintiff Complaint.

7. Defendant has not filed an Answer or any other responsive within the time provided by the Federal Rules. As such, the Court must enter an Order of Default in favor of Plaintiff and against Defendant.

8. Defendant is an Ohio limited liability company. As such, an affidavit pertaining to the Soldiers and Sailors Civil Relief Act of 1940, as amended, is not required as a condition of entry of default.

WHEREFORE, for good cause shown, Plaintiff respectfully requests the Clerk of this Honorable Court enter an Order of Default in favor of Plaintiff and against Defendant.

Respectfully submitted,

Dated: February 8, 2022

THOMAS SEXTON LAW OFFICE

/s/ Thomas Sexton

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Counsel for Plaintiff

CERTIFICATE OF SERVICE

On this 8th day of February 2022, a true and correct copy of Plaintiffs' Motion for Entry off Default and Proposed Order was served by first-class mail, postage pre-paid, on:

Confidential Gentlemen's Club, LLC
c/o Jerrall D. Collier, Registered Agent
1962 Lake Club Drive
Columbus, Ohio 43232

/s/ Thomas Sexton

Thomas P. Sexton